

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

KURT ANDALL,	)	
	)	No. 5:13-cr-00130-cr
v.	)	
	)	
UNITED STATES OF AMERICA	)	

**STIPULATION OF VOLUNTARY DISMISSAL**

Now come the parties, by counsel, and file this Stipulation of Voluntary Dismissal for his 28 U.S.C. § 2255 motion to vacate (doc. 145) without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Rule 12 of the Rules Governing Section 2254 and 2255 Cases, and Local Criminal Rule 1(b). The government reserves its right to argue that a motion voluntarily dismissed without prejudice may still qualify as a first petition for purposes of 28 U.S.C. § 2255(h).

Burlington, Vermont, April 28, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 2017, I electronically filed this STIPULATION FOR DISMISSAL with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the parties of record.

By: /s/ Barclay T. Johnson  
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